



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Mr. Alex Ray
The Common Man Inn
231 Main St.
Plymouth, New Hampshire 03264

LETTER OF DEFICIENCY
WMB PBF 03-14
April 16, 2003

Dear Mr. Ray:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On April 9, 2003, DES inspected the following public bathing facilities at The Common Man Inn, in Plymouth, NH: the indoor/outdoor pool ("Pool"), indoor spa ("Indoor Spa") and the outdoor Spa ("Outdoor Spa").

During this inspection, the following deficiencies were noted:

1. A recommendation to close and drain the Outdoor Spa was issued on April 9, 2003. The inspection on April 9, 2003 revealed that the Outdoor Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Outdoor Spa water:
 - a. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Outdoor Spa water contained 19,600 cfu/mL.
 - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The free chlorine residual of the Outdoor Spa water was less than 0.1 mg/L on April 9, 2003.
3. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 6.9 on April 9, 2003.
4. Pursuant to Env-Ws 1103.16(h), spa water temperature shall not exceed 104°F. The temperature of the Outdoor Spa water was 106°F on April 9, 2003.
5. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality records were not up to date at the time of inspection. Water quality is not tested prior to opening and every 4 hours during operation.
6. Env-Ws 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook, and (2) a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. These safety devices were not present at the Pool at the time of inspection.

- 7 Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Outdoor Spa at the time of the inspection. A clock was not visible from the Indoor Spa at the time of the inspection.
8. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Pool was not marked on the Pool deck.
9. Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Pool does not have a fence or other enclosure constructed around the entire pool or recreation area.
10. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Outdoor Spa did not include a functioning flow meter. The filtration system for the Indoor Spa did not include a functioning flow meter.

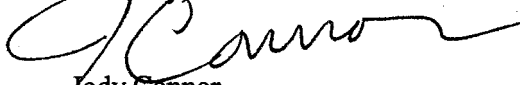
A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- 1 A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when:
 - a. the safety items will be in place;
 - b. the depth will be marked;
 - c. the fencing will be completed; and
 - d. the flow meters will be fixed or replaced.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,



Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0586 0080

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Tom Morrison, Health Officer, Town of Plymouth
Steve Murdock, The Common Man Inn